

Message Text

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ACTION ARA-15

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11
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P R 081943Z SEP 78
FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC PRIORITY 5958
INFO AMEMBASSY PORT AU PRINCE
USCINCSO QUARRY HTS CZ

C O N F I D E N T I A L SANTO DOMINGO 4943

EO 11652 GDS
TAGS: INT, DR
SUB: THE AMNESTY DETOUR

REF: A) SANTO DOMINGO 4831, B) SANTO DOMINGO 4942,

1. PRESIDENT GUZMAN SURPRISED HIS OWN SUPPORTERS AND THE COUNTRY AT LARGE OVER THE PAST WEEKEND WHEN HE RETURNED TO CONGRESS FOR AMENDMENT THE AMNESTY LAW INTRODUCED BY HIS REVOLUCIONARY PARTY AND PASSED UNANIMOUSLY BY BOTH HOUSES LAST WEEK (REF A). WITHOUT CONSULTING HIS LEGISLATIVE LEADERS, THE PRESIDENT DECIDED NOT TO SIGN THE LAW, THE FIRST PASSED DURING HIS BRIEF TIME IN OFFICE, AND SOUGHT TO HAVE IT CHANGED TO PROVIDE FOR A COMMISSION THAT WOULD SCREEN CANDIDATES FOR RELEASE FROM PRISON, TO INSURE THAT COMMON CRIMINALS-CLAIMING TO BE "PRISONERS OF CONSCIENCE"-- WOULD NOT BE SET FREE.

2. THE PRESIDENT'S ACTION, EXPLAINED AS "SECOND THOUGHTS" ON HIS PART BY PALACE SOURCES, ALSO APPEARED TO BE DESIGNED TO BRING REPRESENTATIVES OF THE OPPOSITION REFORMIST PARTY INTO THE CONTROVERSIAL DECISION-
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MAKING PROCESS BY WHICH POLITICAL PRISONERS ARE TO BE RELEASED. AS ORIGINALLY PASSED, THE LAW PROVIDES THAT THE EXECUTIVE BRANCH IS RESPONSIBLE FOR APPROVING OR DISAPPROVING AMNESTY REQUESTS. GUZMAN PROPOSED AS MEMBERS OF THE COMMISSION HIS ATTORNEY GENERAL, THE PRESIDENT OF THE SUPREME COURT, LONG CONNECTED WITH THE OPPOSITION AND A THIRD PERSON TO BE CHOSEN BY THE PRESIDENT. ANOTHER

PROPOSED AMENDMENT WOULD PROVIDE FOR PRISONER APPEALS TO THE SUPREME COURT FROM DECISIONS OF THE COMMISSION.

3. GUZMAN'S MOVE CREATED CONFUSION AND NOT A SMALL MEASURE OF CONSTERNATION AMONG ALL THE GROUPS WHICH HAVE BEEN SO INTENSELY INVOLVED IN THE AMNESTY ISSUE. WHEN WORD OF HIS ACTION BECAME PUBLIC ON SATURDAY--IT WAS TERMED A "VETO" BY ONE PAPER--THE PRISONERS IN LA VICTORIA PENITENTIARY, THE COUNTRY'S PRINCIPAL JAIL, AND THE PRISON IN SAN CRISTOBAL DECLARED A HUNGER STRIKE, BURNED MATTRESSES AND SMASHED FURNITURE. THEIR FAMILIES, LINKED IN SEVERAL PRESSURE GROUPS WHICH HAVE BEEN IN THE FOREFRONT OF THE FIGHT FOR AN AMNESTY LAW (TO WHICH THE PRESIDENT AND HIS PARTIDO REVOLUCIONARIO DOMINICANO HAVE LONG BEEN COMMITTED), ALSO REACTED FORCEFULLY. A NOISY PICKET LINE WAS MOUNTED ON MONDAY AT THE GATES OF THE NATIONAL PALACE AND A SCUFFLE ENSUED. MEDIA COVERAGE WAS HEAVY THROUGHOUT THE WHOLE PERIOD.

4. ON TUESDAY, SEPT 5, THE CHAMBER OF DEPUTIES TOOK UP THE PRESIDENT'S AMENDMENTS (OBSERVACIONES). AFTER A BRIEF DEBATE, THE LOWER HOUSE REJECTED THEM BY AN 83-1 VOTE AND AGAIN APPROVED THE LAW AS ORIGINALLY PASSED LAST WEEK. THE SENATE WEDNESDAY (SEPT 6) AGAIN VOTED UNANIMOUSLY AGAINST THE PRESIDENT'S PROPOSALS AND ALSO RETURNED TO HIM THE BILL IN ITS ORIGINAL FORM. UNDER THE CONSTITUTION, SINCE BOTH

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HOUSES VOTED AGAINST THE AMENDMENTS BY MORE THAN TWO-THIRDS OF THEIR MEMBERSHIP, THE PRESIDENT IS OBLIGED TO SIGN THE LAW WITHIN EIGHT DAYS.

5. ONE OF HIS TOP AIDES, MEETING WITH REPRESENTATIVES OF THE PRISONER'S FAMILIES AT THE NATIONAL PALACE, SAID THE PRESIDENT WOULD SIGN THE BILL "AS SOON AS POSSIBLE."

6. COMMENT: THE AMNESTY AFFAIR, GUZMAN'S FIRST ENCOUNTER WITH A LEGISLATIVE PROCESS HE WILL HAVE TO LEARN TO LIVE WITH, DEMONSTRATED SEVERAL THINGS. FIRST, HIS PARTY LEADERS IN CONGRESS HAVE MADE IT CLEAR THE LEGISLATURE NO LONGER WILL FUNCTION AS IT DID IN THE BALAGUER YEARS, WHEN "WE RESPONDED ONLY TO TELEPHONE CALLS FROM THE PALACE." THE NATURAL RIVALRIES FOR POSITION AND POWER, IN THE PARTY AND IN THE GOVERNMENT, SHOULD REINFORCE THIS TENDENCY. SECOND, THE DEPTH OF PUBLIC FEELING ON THE "POLITICAL PRISONER" QUESTION, WHILE PERHAPS FOMENTED BY A SMALL BUT DEDICATED GROUP, GOES DEEP HERE. THERE ARE MANY SURVIVORS OF THE BRUTALITY OF THE TRUJULLO DICTATORSHIP AND TOUGH MEASURES OF THE BALAGUER GOVERNMENT, WHICH DEALT HARSHLY WITH "SUBVERSIVE " ACTIVITY. THIRD, IT HIGHLIGHTS THE TOTAL ABSENCE THUS FAR OF ANY LIASON

CHANNEL BETWEEN THE PRESIDENT'S OFFICE AND HIS OWN CONGRESSIONAL GROUP TO COORDINATE THE ACTIVITIES OF BOTH, AS WELL AS THE LACK OF ANY PRESIDENTIAL "LOBBY" ORGANIZATION WITH THE CONGRESS AS A WHOLE. FINALLY, IT INDICATES THE DIFFICULTY THE NEW GOVERNMENT WILL HAVE SORTING OUT THOSE CAPRICIOUSLY IMPRISONED FROM CASE-HARDENED OPERATIVES WHO USED TERROR, VIOLENCE AND CRIME TO TRY TO ACHIEVE THEIR POLITICAL ENDS. ILLUSTRATIVE OF THIS IS THE FACT THAT THE BEST ORGANIZED AND MOST VOCAL FAMILY PRESSURE GROUPS LEADING THE AMNESTY CAMPAIGN ARE THOSE OF PLINIO MATOS MOQUETTE AND JORGE PUELLO SORIANO, MEMBERS OF THE OLD VIOLENCE-PRONE MOVIMIENTO POPULAR DOMINICANO, WHO ARE CHARGED WITH BANK ROBBERY AND OTHER CRIMES.

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